

REMARKS

The amendment is proposed to define even more clearly that the bearing cover is not a separate cover for the camshaft bearing but the bearing cover (2b) and the cylinder head cover (4) are a single piece.

The Examiner has rejected claims 1, 4 - 9 under 35 USC 103(a) as being unpatentable over Suzuki (6 289 861) in view of Yoshikawa et al. (5 954 019).

In his response to arguments, the Examiner states that Webster's Dictionary defines the word "integral" as "formed as a unit with another part". Not, however, in Webster's New Twentieth Century Dictionary, Second Edition – see attached copy - which is present in the Office of the undersigned. There, the word "integral" is defined as meaning: whole, entire, lacking nothing, complete as an entity - and this is more in line with the meaning of the Latin word "integer".

In any case, in view of the Examiner's Webster, it was necessary to define the arrangement according to the invention more distinctly as a single piece cover for the bearing and the cylinder head. The proposed amendment was therefore necessitated by the Examiner's "Webster" definition of the word "integral".

Now then, in accordance with the present invention and as defined in amended claim 1, the camshaft bearing cover and the cylinder head cover are formed as a single piece.

Suzuki discloses and claims in US 6 289 861 a cylinder head structure with inlet and outlet valve camshafts with a pair of control valves arranged between the two camshafts directly adjacent the camshaft adjusters. Suzuki furthermore defines in claim 3 that a single supply passage formed in the cylinder head supplies control fluid to each of the control valves. Claims 7 - 9 of Suzuki define an arrangement wherein a bearing cap common to the two camshaft bearings also carries the control valves and solenoid actuators for operating the control valves.

In column 2, lines 22 to 31, Suzuki refers to the preferred position of the axes of the valves to be normal to the camshaft axes and normal to the separating plane between the cylinder head and the engine block. In column 5, lines 9 - 19 such an arrangement is indicated to be preferred for ease of servicing the variable valve timing mechanism "without removing

either the cam cover 18 or the timing cover 55". The cam cover 18 is, in accordance with Suzuki, therefore clearly considered to be a separate part as it is also quite apparent from Fig. 4, where a sealing gasket 51 is shown disposed between the cam cover 18 and the bearing cap member 36. With the sealing gasket 51 between the cam cover 18 and the bearing cap member 36, this structure cannot be called "integral" not even in the sense of definition of the Examiner's Webster.

In any case, with claim 1 amended - as a result of the Examiner's Webster definition - that the arrangement according to the invention includes a single-piece bearing and cylinder head cover, the arrangement is clearly distinguished from the prior art.

Such an arrangement is not shown in the prior art: Suzuki does not disclose a single-piece bearing and cylinder head cover ("cam cover"), but a separate "main bearing cap" and "cam cover" as clearly apparent from the location referred to by the Examiner in his Response to Arguments (Fig. 4, and column 4, lines 37 to 41).

Claim 1 as amended is therefore certainly not anticipated by the reference cited by the Examiner nor is it in any way obvious therefrom: Nowhere in Suzuki, nor in any other reference, is it suggested to provide a single-piece cover for the camshaft bearings and the cylinder head.

Reference is made in this connection to:

"Contrary to the position taken by the Examiner in determining the patentability of an invention, it should be recognized that the fact that the prior art could be modified in an Examiner's view so as to result in the combination defined by the claims at bar would not have made the modification obvious unless the prior art suggests the desirability of the modification." See In re Deminski, 796 F.2d 436, 230 USPQ 313 (Fed. Cir. 1986).

Furthermore, In re Laskowski, CAFC, No. 88-1349, decided April 3, 1989, concerning an invention utilizing, for the support of a saw band, a loose tire rather than a tightly fitted tire, the Court stated that, although the Commissioner suggests that Hoffman (the cited prior art utilizing a tightly fitted tire) could readily be modified to form the Laskowski structure (with loosely fitted tire), the mere fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification.

None of the references cited in the present case discloses, or in any way suggests a single part camshaft bearing and camshaft or cylinder head cover. The references can therefore not lead, not even in combination, to the arrangement as defined in amended claim 1.

It is noted furthermore that the cylinder head cover is generally a thin-walled plastic or magnesium cover molded from plastic or stamped from a metal sheet whereas the bearing cover is generally an aluminum cast component as it appears to be the case in Suzuki - the concept of forming both in a single piece is not possible in connection with Suzuki and therefore not possibly suggested by Suzuki.

Reconsideration of the Examiner's rejection of claim 1 under 35 USC 103(a) as being unpatentable over Suzuki is respectfully requested.

Claim 4 has been adjusted in wording to the amended claim 1.

Claims 5 to 10 relate to the fluid supply arrangement for the camshaft adjuster.

With regard to the Examiner's comment regarding claim 9, it is noted that in Suzuki, the fluid is not supplied to the valve through the cylinder head cover (18) as alleged by the Examiner. The supply passages are rather disposed in the cylinder head - see column 4, lines 65 - 67.

In any case, claims 4 to 10 define particular preferred detail arrangements which are considered to be advantageous in connection with the camshaft adjuster according to the invention. These claims are all dependent directly or indirectly on claim 1 and consequently, include all the features of claim 1, so that they should be considered to be patentable already for that reason.

Reconsideration of claims 4 to 10 is respectfully requested and allowance of claims 1 and 4 to 10 is solicited.

Respectfully submitted,

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